

FORM PTO-1083
Mail Stop APPEAL BRIEF – PATENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450



AE / *[Signature]*
Docket No.: 6001.1260
Date: October 31, 2006

In re application of: **DE VROOME**
Serial No.: 10/764,774
Filed: January 26, 2004
For: **DEVICE FOR APPLYING A LIQUID MIXTURE TO WEB-SHAPED PRINTING MATERIAL**

Sir:

Transmitted herewith is an **Appellant's Brief Under 37 C.F.R. §41.37 (11 pgs)** in the above-identified application.

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136
☒ Other: **Return Receipt Postcard**
- ☒ Check(s) in the amount of **\$500.00** is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☒ Other: **Fee for Filing a Brief in Support of an Appeal under 37 C.F. R. §41.20(b)(2)**
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

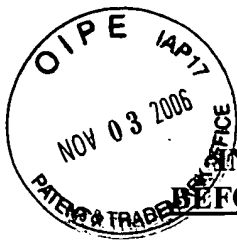
[Signature]
William C. Gehris, Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on October 31, 2006.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: *[Signature]*
Jennifer L. O'Connell



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: **DE VROOME** Examiner: Laura Estelle Edwards
Application No.: 10/764,774 Confirmation No.: 9755
Filing Date: January 26, 2004 Art Unit: 1734
Customer No.: 23280 Attorney Docket: 6001.1260
Title: **DEVICE FOR APPLYING A LIQUID MIXTURE TO WEB-SHAPED PRINTING MATERIAL**

Mail Stop: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 31, 2006

APPELLANT'S BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellant submits this brief for the consideration by the Board of Patent Appeals and Interferences (the "Board") in support of his appeal of the Final Rejection dated May 1, 2006 in this application. The statutory fee of \$500.00 for filing an appeal brief is paid concurrently herewith.

11/03/2006 CNEGA1 00000052 10764774
01 FC:1402 500.00 OP

I. REAL PARTY IN INTEREST

The real party in interest is Goss Contiweb B.V., a corporation having a place of business in Boxmeer, the Netherlands.

II. RELATED APPEALS AND INTERFERENCES

Appellant, his legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1 to 8, 14 and 15 are pending. Claims 1 to 3, 7, 8, and 15 have been finally rejected as per the Final Office Action dated May 1, 2006. Claims 4 to 6 and 14 have been objected to, but would be allowable if rewritten in independent form. Claims 9 to 13 have been canceled without prejudice.

The rejection to claims 1 to 3, 7, 8, and 15 thus is appealed. A copy of appealed claims 1 to 3, 7, 8, and 15 is attached hereto as Appendix A.

IV. STATUS OF AMENDMENTS AFTER FINAL

No amendments to the claims were filed after the final rejection. An advisory action was mailed on September 13, 2006. A Notice of Appeal was filed on August 28, 2006 and received by the U.S.P.T.O. on August 31, 2006.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites a cooling roll stand comprising:

a device (i.e. Fig. 1) for applying a liquid mixture (i.e. 18 in Fig. 1, i.e. specification at page 8, lines 7 to 11) of a silicone oil concentrate (i.e. 1 in Fig. 1, i.e. specification at page 7, line 16) and at least water (i.e. 16 in Fig. 1, i.e. specification at page 8, lines 13 to 16) to a web-shaped printing material (i.e. 24 in Fig. 1, i.e. specification at page 7, lines 2 to 5), the device (i.e., Fig. 1) having:

a reservoir (i.e. 2 in Fig. 1, i.e. specification at page 7, lines 17 to 19) for the silicone oil concentrate (i.e. 1 in Fig. 1, i.e. specification at page 7, line 16),

a supply source (i.e. 32 in Fig. 1, i.e. specification at page 8 lines 13 to 16) for the water (i.e. 16 in Fig. 1, i.e. specification at page 8, lines 13 to 16),

a mixing tank (i.e. 12 in Fig. 1, i.e. specification at page 8 lines 8 to 11) for the silicone oil concentrate (i.e. 1 in Fig. 1, i.e. specification at page 7, line 16) and the water (i.e. 16 in Fig. 1, i.e. specification at page 8, lines 13 to 16),

an applicator (i.e. 20 in Fig. 1, i.e. specification at page 9, lines 14 to 16) for transferring the liquid mixture (i.e. 18 in Fig. 1, i.e. specification at page 8, lines 7 to 11) onto the printing material (i.e. 24 in Fig. 1, i.e. specification at page 7, lines 2 to 5), the applicator (i.e. 20 in Fig. 1, i.e. specification at page 9, lines 14 to 16) having at least one container (i.e. 44 in Fig. 1, i.e. specification at page 10, lines 4 to 6) for the liquid mixture (i.e. 18 in Fig. 1, i.e. specification at page 8, lines 7 to 11), and

a buffer tank (i.e. 4 in Fig. 1, i.e. specification at page 7, lines 23 to 25) for the silicone oil concentrate (i.e. 1 in Fig. 1, i.e. specification at page 7, line 16) separated from the mixing tank (i.e. 12 in Fig. 1, i.e. specification at page 8 lines 8 to 11), the buffer tank (i.e. 4 in Fig. 1, i.e. specification at page 7, lines 23 to 25) receiving the silicone oil concentrate (i.e. 1 in Fig. 1, i.e. specification at page 7, line 16) from the reservoir (i.e. 2 in Fig. 1, i.e. specification at page 7, lines 17 to 19); and

a cooling roll (i.e. 86 in Fig. 1, i.e. specification at page 7, lines 2 to 5) for the web-shaped printing material (i.e. 24 in Fig. 1, i.e. specification at page 7, lines 2 to 5).

V. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issue is whether claims 1 to 3, 7, 8, and 15 should be rejected under 35 U.S.C. 103(a) as being unpatentable over Menet et al., U.S. Patent Publication No. 2002/0106444 et al., in view of Werner et al., DE 196 50 125.

VI. ARGUMENTS

Rejections under 35 U.S.C. 103(a)

Claims 1 to 3, 7, 8, and 15

Claims 1 to 3, 7, 8, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Menet et al., U.S. Patent Publication No. 2002/0106444 et al., in view of Werner et al., DE 196 50 125.

Menet discloses a device for applying a release agent to rolls for casting continuous metal strips. Before entering the rolls, the metal is in liquid state and the rolls cool it into a solid state. See paragraph [0028]. A dilution of a release agent is applied to the rolls to prevent sticking. See [0035].

Werner (DE 19650125) discloses a method and device for supplying a printing paste to carpets.

Claim 1 recites a cooling roll stand comprising:

a device for applying a liquid mixture of a silicone oil concentrate and at least water to a web-shaped printing material, the device having:

- a reservoir for the silicone oil concentrate,
- a supply source for the water,
- a mixing tank for the silicone oil concentrate and the water,
- an applicator for transferring the liquid mixture onto the printing material, the applicator having at least one container for the liquid mixture, and
- a buffer tank for the silicone oil concentrate separated from the mixing tank, the buffer tank receiving the silicone oil concentrate from the reservoir; and
- a cooling roll for the web-shaped printing material.

Menet does not disclose supplying any mixture to “a web shaped-printing material” as claimed, but rather supplying a diluted release agent which is contacted by a liquid metal. The casting device of Menet is a completely different field than the printing field of the present invention, and it is respectfully submitted that one could not print the liquid metal of Menet.

One of skill in the art would not have combined the textile printing teachings of Werner to the Menet device to result in the present claimed invention. Werner teaches about printing textiles and discusses how to dose dyes. Any teachings about printed webs of material, buffers or other mixing relates to dyes and textiles, and not to release agents and liquid metal casting as used in Menet. It is respectfully submitted that one of skill in the art would not have used the dyes or the dye related dilution in Werner to dilute the release agents in Menet.

In addition, neither Menet nor Werner teach or show “a buffer tank for the silicone oil concentrate separated from the mixing tank, the buffer tank receiving the silicone oil concentrate from the reservoir” as Werner relates to dyes. Also, Menet teaches away from using a separate buffer tank, as it specifically states that if a buffer tank is to be used, it is to be used to replace the mixer, not in addition to the mixer. See [0045] of Menet: “Said mixer may be ...a buffer tank.”

There is absolutely no teaching or disclosure in Werner to provide a buffer tank in a continuous metal casting field. One of skill in the art would not have seen any reason for such a buffer tank, and Menet specifically teaches that any such buffer tank is to replace the mixer.

Withdrawal of the rejections to claims 1 to 3, 7, 8 and 15 is respectfully requested.

Claim 2: Argued Separately

Claim 2 recites the device as recited in claim 1 wherein the device further includes a supply line from the buffer tank to the mixing tank and a valve in the supply line operated by a control unit and/or regulating unit so that a continuous, or quasi-continuous, or intermittent flow of the silicone oil concentrate is produced.

Neither Werner nor Menet disclose such a flow of silicon oil as claimed, and withdrawal of the rejection is respectfully requested for this reason as well.

Claim 3: Argued Separately

Claim 3 recites the device as recited in claim 2 wherein the device further includes a second supply line from the supply source to the mixing tank, and a second valve in the second supply line operated by the control unit and/or regulating unit so that a continuous, or quasi-continuous, or intermittent flow of the water is produced.

Neither Werner nor Menet disclose such a second supply line and second valve as claimed, and withdrawal of the rejection is respectfully requested for this reason as well.

Claim 7: Argued Separately

Claim 7 recites the device as recited in claim 1 wherein the mixing tank has a smaller volumetric capacity than the buffer tank.

There is no reason or motivation for meeting this limitation in either Werner or Menet. In fact Menet does not even want a buffer tank. Withdrawal of the rejection is respectfully requested for this reason as well.

Claim 8: Argued Separately

Claim 8 recites the device as recited in claim 7 wherein the mixing tank has a volumetric capacity of approximately one liter and the buffer tank has a volumetric capacity of approximately ten liters.


Neither of these capacity limitations is met, and withdrawal of the rejection to claim 8 is respectfully requested for this reason as well.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris
(Reg. No. 38,156)

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427



APPENDIX A:

APPEALED CLAIMS 1 to 3, 7, 8, and 15 of
U.S. APPLICATION SERIAL NO. 10/764,774

Claim 1 (previously presented): A cooling roll stand comprising:

a device for applying a liquid mixture of a silicone oil concentrate and at least water to a web-shaped printing material, the device having:

a reservoir for the silicone oil concentrate,

a supply source for the water,

a mixing tank for the silicone oil concentrate and the water,

an applicator for transferring the liquid mixture onto the printing material, the applicator having at least one container for the liquid mixture, and

a buffer tank for the silicone oil concentrate separated from the mixing tank, the buffer tank receiving the silicone oil concentrate from the reservoir; and

a cooling roll for the web-shaped printing material.

Claim 2 (original): The device as recited in claim 1 wherein the device further includes a supply line from the buffer tank to the mixing tank and a valve in the supply line operated by a control unit and/or regulating unit so that a continuous, or quasi-continuous, or intermittent flow of the silicone oil concentrate is produced.

Claim 3 (original): The device as recited in claim 2 wherein the device further includes a second supply line from the supply source to the mixing tank, and a second valve in the second supply

line operated by the control unit and/or regulating unit so that a continuous, or quasi-continuous, or intermittent flow of the water is produced.

Claim 7 (original): The device as recited in claim 1 wherein the mixing tank has a smaller volumetric capacity than the buffer tank.

Claim 8 (original): The device as recited in claim 7 wherein the mixing tank has a volumetric capacity of approximately one liter and the buffer tank has a volumetric capacity of approximately ten liters.

Claim 15 (previously presented): The cooling roll stand as recited in claim 1 wherein the applicator transfers the liquid mixture directly to the web-shaped printing material.



APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in "II. RELATED APPEALS AND INTERFERENCES" of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.